



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/341,328	07/06/99	MIKAMI	S KINOSHITACA

HM22/0203

FLYNN THIEL BOUTELL & TANIS
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1699

EXAMINER

PULLIAM, A

ART UNIT	PAPER NUMBER
----------	--------------

1615

3

DATE MAILED: 02/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/341,328	MIKAMI ET AL.
	Examiner Amy E Pulliam	Art Unit 1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1) Responsive to communication(s) filed on 06 July 1999.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 July 1999 is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some * c) None of the CERTIFIED copies of the priority documents have been:

1. received.

2. received in Application No. (Series Code / Serial Number) _____ .

3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

14) Notice of References Cited (PTO-892)
 15) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 16) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

17) Interview Summary (PTO-413) Paper No(s). _____
 18) Notice of Informal Patent Application (PTO-152)
 19) Other: _____

Art Unit: 1615

DETAILED ACTION

Drawings

The drawings are objected to because of the reasons specified on the attached PTO-948. Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiner finds the phrase "a skin contact goods" to be unclear. It is recommended that the phrase be reworded to claim "a skin contact article" in each of the places it appears in claims 1-11.

Further, the language in the claims 1, 2, 6, 8, and 9 is considered vague and indefinite by the examiner. The examiner has included suggestions for rewording these claims.

Art Unit: 1615

Claim 1: "A skin contact article used in contact with the skin, comprising a natural organic impalpable powder adhered to at least one side of the said skin contact article, the said side coming into direct contact with the skin."

Claim 2: "The skin contact article according to claim 1, wherein the skin contact article is a sanitary article to be applied to the skin, wherein the skin contact article comprises a surface material in direct contact with the skin, the said surface material including a base having the natural organic impalpable powder adhered thereto."

Claim 6: "The skin contact article according to claim 1, wherein the natural organic impalpable powder is adhered to the said skin contact article by being processed by a treatment including the natural organic impalpable powder, the said treatment preferably consisting of the natural organic impalpable powder and at least one dispersion medium selected from the group consisting of water, organic solvent, resin emulsion and resin aqueous solution."

Claim 8: "The skin contact article according to claim 6, wherein the dispersion medium is selected from the group consisting of resin emulsion and resin aqueous solution; and wherein the solid resin content in the treatment is 0.5 to 20 weight percent."

Claim 9: "The skin contact article according to claim 1, wherein the said natural organic impalpable powder is adhered to the skin contact article by a

Art Unit: 1615

treatment including the natural organic impalpable powder with an average particle size of less than 30 micrometers and a dispersion medium selected from the group consisting of resin emulsion and resin aqueous solution; wherein the content ratio of the natural organic impalpable powder in the treatment is between 0.5 and 50 weight %; and wherein the solid resin content in the treatment is between 0.5 and 20 weight %."

Further, in claims 2 and 9, it is recommended that the phrase "sanitary goods" be reworded to state "sanitary article."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka.

Tanaka discloses a cosmetic composition comprising a powder and a water soluble adhesive (col 1, lines 40-45). Tanaka further discloses that the powder can be selected from a group including silk powder (col 3, lines 25-35), and it is present in an amount of 1 to 40%, preferably 3-30% (col 3, lines 41-42). Tanaka also teaches the water soluble

Art Unit: 1615

adhesives can be chosen from a group including carboxymethyl cellulose, polyvinyl pyrrolidone, and polyvinyl alcohol, and that the adhesive is present in an amount of 0.05 to 2%, preferably 0.01 to 1% (col 3, lines 50-60). Lastly, Tanaka teaches the use of an applicator such as a sponge, wherein the cosmetic composition is taken and applied to the skin using the applicator (col 4, lines 17-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka as applied to claims 1-11 above. Tanaka fails to disclose a specific particle size for the powder disclosed in his invention. However, it is the position of the examiner that the particle size is a limitation that would be routinely determined by one of ordinary skill in the art through minimal experimentation, as being suitable, absent the presentation of some unusual and/ or unexpected results. The results must be those that accrue from the specific limitations.

Conclusion

Art Unit: 1615

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Pulliam, whose telephone number is (703) 308-4710. The examiner can normally be reached Monday to Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Thurman Page, can be reached at (703) 308-2927.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1234.


THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Attachment _____

The drawings submitted with this application were declared informal by the applicant. Accordingly they have not been reviewed by a draftsperson at this time. When formal drawings are submitted, the draftsperson will perform a review.

Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.